

REMARKS

Applicants have studied the Office Action of August 31, 2007, and take this opportunity to present arguments in support of patentability. Claims 1, 5, 6, 15 and 16 have been amended. Claims 17-21 have been cancelled. It is believed that upon objective review of the claims, and particularly analyzing this information at the time the invention was made, that it will be clear that the claims define over any fair teaching attributable to the prior art.

Applicants believe that this application is now in condition for allowance and early notice thereof is respectfully requested.

35 USC § 103(a) Rejections

Claims 1, 5, 6, 9 and 14-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (U.S. Patent No. 3,168,365) in view of Wise (U.S. Patent No. 2,911,275) and Vargo (U.S. Patent No. 4,553,725). Claims 17-21 have been cancelled.

The Examiner concluded that it would have been obvious to punch the Evans' support members directly from the walls as taught by Wise, rather than adding a separate support member containing strip. Vargo was deemed to disclose a shelving system including support members (12) on opposite side walls for supporting opposite sides of a shelf (column 4, lines 59-62) and having first (at 58) and second (42) planar legs, the second leg including a substantially hemispherical dimple (94) punched in a straight portion of the second leg and extending towards an inner surface of a side wall to be received in an opening (88) in a flange (86) of a shelf and provide a frictional fit. The Examiner concluded that it would have been obvious to include dimples and receiving openings as taught by Vargo in Evans' support members, as well as vary the shape of the legs of the support members. The Examiner stated that it would have been obvious to use a circular opening (88) for mating with the dimple (94) to insure a tight and secure fit with the circular dimple. The Examiner also stated it would have been obvious to include similar support members (with first and second legs, and dimples) on the side walls of Evans' cabinet as taught by Vargo.

Claim 1 has been amended to recite that the support members have straight first and second legs, and the dimple extends toward the opening formed by the support

member. Claim 1 further recites that a third support member is formed in a third wall between the two side walls, and the shelf has a third flange which receives the dimple of the third support member. Evans simply does not teach or suggest support members formed on two side walls and a third wall between the side walls which include two straight legs and a dimple formed in one of the straight legs. Evans does not even teach or suggest support members formed in the side walls. Rather, Evans shows hooks 17 formed on strips 18 on the back wall, and slots formed on a front surface of the cabinet. Moreover, the hooks are shown to be curved in nature, not formed of two straight legs. There is also no suggestion of the hooks being formed directly in the walls of the cabinet.

Wise only teaches stuck out slots 14 on the side walls of the cabinet. There is no suggestion or teaching of support members having two straight legs perpendicular to each other, or a dimple extending from one of the legs. There is also no suggestion of support members formed on the back wall of the cabinet.

Vargo also only teaches a clip 12 with a protuberance 94 along four corners of the shelf. There is no teaching or suggestion of a support member positioned on a back wall of a cabinet. Nor does Vargo teach or suggest two straight legs perpendicular to one another, wherein a dimple is positioned on a leg spaced apart from and formed from a wall of the cabinet.

The Examiner continues to use impermissible hindsight to combine these references. There is no motivation to add dimples to Evans, which utilizes clips. There is also no motivation to modify Evans to remove the strips 18 and form the support members directly in the walls of the cabinet. Moreover, Evans teaches a clip assembly 35 which is inserted through slots 16 with a stop (tab 42 and wall 23) to ensure the clip 35 does not detach from the shelf. Since this is the improvement in Evans, there would be no motivation to eliminate this clip arrangement with support members as recited in claim 1 on the side walls of the cabinet in Evans. Accordingly, claim 1, and claims 5, 6, 9, 14, 15 and 16 dependent thereon are in condition for allowance.

Claim 15 has been amended to recite a support wall which is connected to the base wall formed in the base wall by a fourth support member, including a pair of straight legs and a dimple extending from one of the legs. Evans, Wise and Vargo,

alone or in combination, do not teach a support wall which is supported by a base wall by a support member, including a dimple. Accordingly, claim 15 is in condition for allowance.

Claim 16 has been amended to recite that the shelf has a fifth support member including two straight legs, one of which has a dimple, which supports the support walls. Evans, Wise and Vargo do not teach, alone or in combination, a shelf having a support member formed on the shelf in the form of two straight legs with a dimple for supporting a support wall. Accordingly, claim 16 is also in condition for allowance over the prior art of record.

CONCLUSION

Applicants respectfully submit that the present Amendment removes issue for appeal, or in some other way, requires only a cursory review by the Examiner. The claims as amended do not raise any issues with regard to new matter, do not present new issues requiring further search or consideration and/or place the application into better for appeal. Accordingly, the amendment should be entered and the application forwarded for issuance.

For the reasons detailed above, it is respectfully submitted that all claims remaining in the application are now in condition for allowance.

No additional fee is believed to be required for this Amendment. If, however, a fee is due, the Commissioner is authorized to charge our Deposit Account No. 06-0308.

In the event the Examiner believes a telephone call would expedite prosecution, he is invited to call the undersigned.

Respectfully submitted,

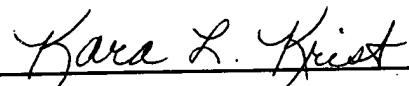
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